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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,188	01/10/2001	Silvio Salom	ADC-501	2770
7590	10/12/2004		EXAMINER	
Alik K. Collins 215 Grove St. Newton, MA 02466			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/759,188

Applicant(s)

SALOM, SILVIO

Examiner

Tan Dean D. Nguyen

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-42.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
Tan Dean D. Nguyen 10/6/04  
Primary Examiner  
Art Unit: 3629

Continuation of 2. NOTE: The amended language (underlined) in claims 1 and 20: previously the claim 1 calls for 1st application of ANY of the IP assets (at least 1 of (1st asset, or 2nd asset, or 3rd asset) and developing 2nd application which is different from 1st application for any of the IP assets (1st asset, or 2nd asset, or 3rd asset). Now the applicant wants to narrow it to the SAME IP asset, i.e. 1st IP asset, thereby reusing said same IP asset (1st asset). This is new issue since it's further limited and require new consideration and search. The examiner has reviewed this issue with SPE John Weiss On 10/6/2004 and we agreed NOT to enter the amended claim. Applicant's 1st comment (page 9, bottom paragraph) that R1 does not disclose forming a holding company comprising of previously existing enterprises is not persuasive for the following reasons: (1) in view of the teachings of R1 on paragraph 4 of 1st page: "for the holding company ...for businesses with operating companies in various countries, ... aggregate all of the value", (2) well known/old/conventional concept of holding company as defined in the dictionary: corporation organized for the purpose of owning stock in and managing one or more corporations. holding companies traditionally own many corporations in widely different business areas". This is inherently included in reference R1, and (3) this is admitted to be well known fact by the applicant during a phone interview of 9/22/04 wherein the kernel of the invention are in the last 2 steps (c ) and (d). Applicant's 2nd comment (page 9, bottom paragraph) that R1 does not teach (a), (b), (c ) and (d) of claim 1 is not persuasive because the rejection of claim 1 is based on combination of R1 and R2 as indicated on pages 3-4 of office action of 8/2004. Applicant's 3rd comment (page 10, 1st paragraph) is based on the amended language "same one IP Asset, ...thereby reusing said at least on IP asset), and this is not persuasive because the amended language is not entered as shown above. Applicant's 4th comment (page 10, 2nd paragraph) with the specific example: 1st app is in air traffic control" and 2nd application "virtual online shopping tool", is noted, but this more specific/limited than the claim language and the previous claim does not limit to same application (i.e. 1st IP asset only) but at least one IP asset (which reads over any of asset, 2nd asset or 3rd asset). Applicant's 5th comment (page 11, 1st paragraph) is noted but this is not persuasive because: 1) No evidence of commercial success has been shown or any Unexpected results based on objective evidences. Applicant's arguments are merely opinions. 2) the combination of the teachings of R1 and R2 are so obvious so no application have been filed before this application or could have been filed and rejected and abandoned. Applicant's 6th comment (page 11, 2nd paragraph) is noted and but the method claim is rejected and the arguments are cited above.